REMARKS

Claims 1-8, 12, 14-23, 25-30, 32, and 34-39 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,703,875 to Burnett. Furthermore claims 9-11, 13, 24, 31, and 33 stand rejected under 35 U.S.C. 103(a) as being unpatentable according to the following table:

Claim 9	Burnett in view of Ellis (US 5,497,371)
Claims 13, 24, 33	Burnett in view of Howe (US 20030189922
Claims 10-11, 31	Burnett in view of Cidon (US 5,343,473)

Claims 1, 4, 16, and 25 have been amended. Claims 36-39 have been canceled. Claims 40-43 are newly presented. Therefore, claims 1-35 and 40-43 are currently pending in this application.

Currently amended Independent claims 1, 16, and 25 and newly added claim 40 recite elements related to the transmission of packets (such as a control packet or a data packet), wherein selecting a packet for transmission is dependent on a possible delay of transmission of a packet above a certain time. For example, claim 16 recites a method for transmitting packets, comprising "transmitting the received packets in an order that is different from the order in which the packets were received based on whether the packets are a first packet type or a second packet type, <u>unless the transmitting of a packet in the different order would delay the transmitting of a packet more than a certain amount of time.</u>" Claims 1, 25, and 40 recite similar language.

Support for these amendments may be found, for example, in paragraph [00103] of the specification: "For example, the algorithm may select a data packet that has been in the packet memory for certain amount of time even though there may be a control packet

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in the control area. In this way, a sequence of many control packets will not delay the data packet more than that certain amount of time."

As mentioned above, claims 1, 16, and 25 stand rejected as being anticipated by Burnett. Burnett, however, does not disclose or suggest the selecting of a data packet for transmission over a control packet, as the amended claims recite. For example, Burnett explains that "in a real-time embedded processing system, a capability is needed for immediately passing a control message (command or status) across the network, even if some of the links along the message path are currently transmitting data messages" (Burnett, 1: 18-23). Burnett provides such a capability, stating "If there are control message words waiting to be transmitted over link, they are given priority over any data message words that are ready for transmission over the same link" (Id., 1: 44-48). (Emphasis Added). Therefore, in the integrated control and data network of Burnett, control messages are always sent before waiting data messages.

Burnett provides further evidence when discussing the structural changes of the network of Burnett when control messages are to be transmitted: "Arrival of a control message at a switch 10 changes the crossbar state for the output port 16 needed by the control message, unless the output port is already in use, transmitting another control message. The newly arrived control message preempts any data message currently using that output port 16...after the control message passes through the core crossbar 15, the crossbar sate reverts so that the data message can resume" (Id., 3: 8-17). That is, when a control message arrives, the crossbar state of the output port changes to a state that only allows the output of control messages. Only in the absence of any control message does the crossbar state "revert" back to a state that allows the output of data messages.

For at least the reasons stated above, Burnett does not anticipate amended claims 1, 16, 25 or newly added claim 40. Because the other pending claims each depend from of these claims, they are also patentable.
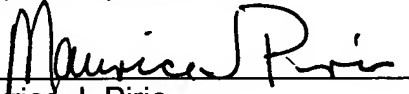
In view of the above amendment, applicant believes the pending application is patentable over the cited references and respectfully requests its early allowance.

Applicant has submitted herewith the requisite extension of time fee and believes no additional fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 594728813US from which the undersigned is authorized to draw.

Dated: April 3, 2006   Respectfully submitted,

                                                By _____
                                                Maurice J. Pirio
                                                   Registration No.: 33,273
                                                PERKINS COIE LLP
                                                P.O. Box 1247
                                                Seattle, Washington 98111-1247
                                                (206) 359-8000
                                                (206) 359-7198 (Fax)
                                                Attorney for Applicant